

REMARKS

The Examiner is thanked for his Office Action.

Claims 1-25 are pending in the application. All claims were rejected.

35 USC § 102 – Anticipation

Claims 1-19 and 22-25 were rejected as anticipated by Eskafi *et al.* (USP 6,438,223, hereinafter “Eskafi”). These rejections are traversed.

Initially, applicant notes that while the Examiner has generally indicated, for each rejected claim, some portions of Eskafi as the basis for the rejection, these passages contain extensive descriptions of both Eskafi’s system and prior-art systems. In studying these passages, it appears that many of the present claim limitations are not present at all in Eskafi, as noted below, but the undersigned acknowledges that the Examiner also examined Eskafi and so is surely more familiar with its disclosure. As such, the Examiner is respectfully requested, in the next Action, to specifically identify which elements or features of Eskafi (or any other cited art) are believed to anticipate each limitation of the current claims, so that applicant may specifically address the Examiner’s concerns and distinguish or amend the claims as appropriate.

Independent Claim 1 requires "a service node which monitors services ... and using the service node, monitoring signals to the terminating remote communication." Nothing in Eskafi appears to teach or suggest this feature. The passages of Eskafi do reference a Service Control Point (SCP), but a typical SCP does not monitor services, and typically provides a database lookup function and control functions, but no monitoring functions – and Eskafi does not describe that the SCP or any other component actually monitors services. In fact, the term "monitor" does not appear in Eskafi at all. Since a service node as claimed is not taught or suggested by Eskafi, the anticipation rejection must fall, and Claim 1 should be allowed. Similarly, Claims 2-11, which depend (directly or indirectly) from Claim 1, should be allowed.

Independent Claim 12 requires "a service node connected in the signal path ... said LNP database supplying the LRN instruction to said service node ... in which said service node provides network services to said terminating remote communication device." Nothing in Eskafi appears to teach or suggest a service node connected and operating as claimed. The Office Action cited the same passages with regard to the Claim 12 rejection as for the Claim 1 rejection, but again the applicant can find nothing in Eskafi that describes the claimed limitations. Since a service node as claimed is not taught or suggested by Eskafi, the anticipation rejection must fall, and Claim 12 should be allowed. Similarly, Claims 13-20, which depend (directly or indirectly) from Claim 1, should be allowed.

Applicant specifically notes that with regard to dependent claims 2, 13, 14, and 23, the claimed service node is identified as an SCP. A typical SCP, as noted above, may perform lookup or control functions, but does not typically perform the other claimed functions. The American National Standard for Telecommunications – Telecom Glossary 2000 (see <http://www.atis.org/tg2k/>) defines an SCP as “An entity in the intelligent network that implements a service control function.” As SCPs are not known in the art for performing the functions described and claimed by the present application, and Eskafi fails to describe these claimed functions either, these functions cannot be attributed to the SCP described in Eskafi.

35 USC § 103 – Obviousness

Claims 20 and 21 were rejected as obvious over Eskafi. These rejections are traversed.

The Examiner correctly notes that nothing in Eskafi discloses that the service node monitors the communication for billing purposes. In fact, nothing in Eskafi appears to teach or suggest any service node, as claimed in independent claims 12 and 21, that monitors communications as described (as more fully discussed with regard to claim 12, above). Further, with regard to claim 21, nothing in Eskafi appears to teach or suggest “in response to the LRN, creating a service node...” (emphasis added). As the features of claims 20 and 21 are not taught or suggested by Eskafi, these claims should be allowed, as should claims 22-25, that depend from Claim 21.

As noted above, the Examiner is respectfully requested to identify which elements in Eskafi are used to meet each of the claim limitations – and in particular, which element in Eskafi corresponds to the claimed service node. If the undersigned has overlooked or misinterpreted a relevant teaching in Eskafi, he would be grateful for the Examiner’s identification of the error.

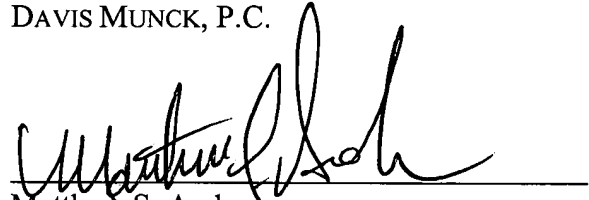
SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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1/6/14

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